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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,038	10/17/2001	Mark Maggenti	000211D2	4415
23696	7590	01/26/2006	EXAMINER	
QUALCOMM, INC			NGUYEN, THUAN T	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2685	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,038

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 16-21 is/are allowed.
- 6) ☒ Claim(s) 15 and 22-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/05 has been entered.

Allowable Subject Matter

2. Claims 1-14, and 16-21 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 6, 13, 14, 16, and 17, Alford discloses in a controller, a method for reducing latency in a group communication network, the method comprising: receiving an indication from a communication device that a user wishes to initiate a group call; receiving media from the user before processing a request for group call initiation; and buffering the received media for later transmission to another communication device” (Figs. 15-17, the user can activate or initiate a group call by using an actuator 1506 or 1608, and media such as data messages from the user for interconnect call, radio-to-radio call as in col. 13/line 60 to col. 14/line 56, and data is stored, retrieved and replaced within an EEPROM regarding as a buffer for temporary storing received data, see col. 12/lines 14-61 and col. 14/lines 4-56 as the system continues to monitor and later transmit the data messages or media to another communication device if the checking for the appropriate system is identified). However, Alford does not

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further suggest at least the use of embedded content including a network's media and real-time media signaling destination address in response to a request to join the network as pre-amended in the manner as called for in claims 1, 6, 13, 14, 16, and 17.

Response to Arguments

4. Applicant's arguments with respect to claims 15, and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Alford et al. (US Patent 5,613,201).

Regarding claim 22, Alford teaches “a controller for reducing latency in a group communication network, comprising: a receiver to receive an indication from a communication device that a user wishes to initiate a group call; a memory unit to buffer media that is received from the user before a request for group call initiation is processed; a transmitter for transmitting the buffered data to another communication device after the request is processed; a processor for processing the received request and the media, the processor being communicatively coupled

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with the receiver, the memory unit, and the transmitter, and wherein the media includes media payload format descriptors” (Figs. 15-17, the user can activate or initiate a group call by using an actuator 1506 or 1608, and media such as data messages from the user for interconnect call, radio-to-radio call as in col. 13/line 60 to col. 14/line 56, and data is stored, retrieved and replaced within an EEPROM regarding as a buffer for temporary storing received data, see col. 12/lines 14-61 and col. 14/lines 4-56 as the system continues to monitor and later transmit the data messages or media to another communication device if the checking for the appropriate system is identified; and Alford, Fig. 16 for a controller, TX and RX for a transmitter and receiver, and controller 1602 or 1156 of Figure 1 is also a processor, col. 9/line 17 to col. 10/line 30; and Fig. 15 and col. 13/line 60 to col. 14/line 14 for identifiers for destination, preferred systems, and/or system identifiers and other call records regarding as media payload format descriptors).

For claim 23, Alford discloses “wherein the communication device includes a push-to-talk (PTT) device” (col. 1/lines 25-32 & col. 14/lines 15-26 for mobile push-to-talk device).

For claim 24, Alford discloses further “wherein, the transmitter transmits the buffered media to the other communication device if the request is granted” (as shown in prior art Figure 10 that data can be conveyed in ESAS FRAME from mobile users to the others, using EEPROM 1160 as illustrated in Fig. 11).

For claim 25, Alford suggests further “wherein the processor signals the user to stop sending media if a memory unit used for buffering the received media runs out of space before the request is completely processed and media communication is not established between the

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other communication device and the controller” (Alford, col. 14/lines 27/lines 27-56 as whether the system is accessible or available for communication and memory space or lacking of receiving resource is a part of checking or monitoring the data message, system change or call change etc).

For claim 26, Alford discloses further “wherein the transmitter transmits the buffered media to a target receiver if a memory unit used for buffering the received media runs out of space before the request is processed but media communication is established between the other communication device and the controller”, i.e., a plurality of memories are used for storing media data if one is insufficient or out of space (col. 14/line 57-col. 15/line 29).

Claim Rejections - 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alford et al. (U.S. Patent No. 5,613,201) in view of Sigler et al (US Patent 5,717,830).

Regarding claim 15, Alford inherently suggests “a controller for reducing latency in a group communication network, comprising: means for determining whether any media frame belonging to a communication protocol is lost, the media frame being directed to the controller; and modifying the communication protocol if a media frame is lost” (Alford, Figs. 8-10 & 17,

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and col. 11/line 35 to col. 18 for checking status of call, identifiers, call ID and group ID for the present of the media frame). Alford does not further mention to check whether a media frame is lost or not; however, in a same environment of providing mobile group communication, Sigler discloses the data frame can be checked whether lost or not using a remote monitoring system (Sigler, col. 15/lines 15-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alford's group communication system with Sigler's known technique in monitoring the loss of frame sync in order to fix or correct the problem during transmission as noted.

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2685
January 13, 2006